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AO 91 (Rev. 11/11) Criminal Complaint

Special Agent: Heidi Wallace

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Brandon Sean Smith

Case: 2:19-mj-30552
Assigned To : Unassigned
Assign. Date : 10/18/2019
Description: RE: BRANDON SEAN
SMITH (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 21, 2019 in the county of Jackson in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 841(a)(1)

18 U.S.C. § 924(c)

Possession with intent to distribute a controlled substance

Possession of a firearm in furtherance of a drug trafficking crime

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 10/18/19

City and state: Detroit, Michigan



Complainant's signature

Heidi Wallace, Special Agent (ATF)

Printed name and title



Judge's signature

Hon. David R. Grand, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Special Agent Heidi Wallace, being duly sworn, state the following:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Lansing, Michigan, Field Office. I have been an ATF Special Agent since 2003. As such, I have investigated numerous violations of federal firearms laws, including federal laws pertaining to the possession of firearms in furtherance of drug trafficking, unlawful users in possession of firearms and subjects possessing stolen firearms. Prior to becoming a Special Agent, I worked at the ATF laboratory in Ammendale, Maryland, for a year and a half as an Integrated Ballistics Identification System (IBIS) Specialist. I have a Bachelor's Degree in Sociology from the University of Michigan. I have completed the Federal Law Enforcement Training Center Criminal Investigators program, the ATF New Professional Training for Special Agents program, and the ATF Advanced Interstate Nexus of Firearms and Ammunition course.

2. This affidavit is in support of a complaint and arrest warrant for Brandon Sean Smith (DOB **/**/1992). Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause to believe that Brandon Sean Smith engaged in violations of 21 U.S.C. § 841(a)(1) (possession with intent to distribute cocaine base) and 18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime).

3. The information contained in this affidavit is based on my personal knowledge and observations during the course of this investigation, law enforcement reports that I have reviewed, communications with others who have personal knowledge of the events and circumstances described in this affidavit, and information gained through my training and experience.

II. INVESTIGATION AND PROBABLE CAUSE

Smith's Firearm and Drug Possession

4. On June 21, 2019, Michigan State Police (MSP) Sgt. Moots was sitting stationary on westbound I-94 near Sargent Rd in Jackson County.

He was working speed control with his laser in the construction zone along I-94 when a tan GMC Yukon Denali with Kentucky plates approached his location. Using his speed laser he received a reading of 75 MPH for this vehicle. The speed limit in this section of I-94 was 60 MPH. After the vehicle passed his location he observed brake lights as the driver began to slow down his vehicle. Sgt. Moots used his laser again as the vehicle traveled away from him and he observed the speed to be 42 MPH. As Sgt. Moots followed the vehicle through the construction area the speed varied between 60 and 42MPH, until he activated his emergency lights near the Elm St. exit off I-94.

5. Sgt. Moots made contact with the vehicle and smelled cigarette smoke, which he believed was recently lit to mask other odors in the vehicle. Sgt. Moots asked for the driver, identified as Brandon Sean Smith, to provide him with his drivers license and to exit the vehicle to speak to him at the rear of his vehicle. Smith was hesitant to exit the vehicle, but did so after moving very slowly. The driver stated that he was coming from Detroit, but would not say where they were going. Sgt. Moots asked Smith to remain at the back of the car while he went and spoke to the passenger. Smith did not want him contacting the passenger and said that the

passenger was not driving so he did not need his name. Sgt. Moots explained that he tries to speak to everyone in the vehicle so he could put the name in his daily log in case someone has an issue with how he conducted himself his department can contact him.

6. After making contact with the passenger, Jarris Flood, Sgt. Moots went back to his patrol car and asked Smith to stay at the rear of his vehicle. Sgt. Moots queried both subjects through his in-car computer system and noted they had warrants for their arrest and requested a second unit to respond.

7. Trooper Kraus arrived on the scene and assisted in searching the driver incident to arrest. Trp Kraus observed Smith putting his left hand in the rear left pocket of his jeans. Sgt. Moots checked the pocket and located an orange straw that had been cut to only a couple inches long and had white residue on it, which Sgt. Moots knew to be used commonly to snort cocaine. He asked Smith if he was going to find anything else in his vehicle and Smith responded "cocaine."

8. Sgt. Moots then conducted a search of the vehicle. He located a bag of suspected cocaine in a compartment in the dash area of the vehicle along with cash and another short straw. Inside the center console he

found 7 packs of suboxone and some orange pills. Directly behind the center console, in the back seat floor area, he located a loaded handgun, a Sig Sauer, model P229 .40 caliber pistol, covered up by the flip down cupholders. This firearm was later determined to be stolen from the burglary of a gun store in West Virginia on December 14, 2018.

9. Continuing the search of the vehicle, a black duffel bag and black backpack were located near the rear hatch. Inside the duffel bag was a Chinese made pistol grip shotgun with an extended 12 gauge magazine along with approximately 100 rounds of ammunition. Inside the backpack there was approximately 16 ounces of suspected cocaine, 9 ounces of suspected methamphetamine, 27 grams of suspected heroin and approximately \$29,000 in cash along with a large digital scale with white residue on it. Sgt. Moots later verified with the Kentucky DMV that the vehicle had no lein on it and it was registered to Brandon Smith.

10. The next day, Det. Trooper Olszewski and Det. Trooper Escott interviewed Smith at the Jackson County Sheriff Office interview room. D/Trp. Escott read Smith his Miranda rights, and after Smith interrupted him during the reading of his rights, asking why he was not read his rights the night before, Smith agreed to speak to the D/Troopers. Smith advised

that he lives in Kentucky and had driven to Detroit to see his daughter. When he was stopped last night Smith said he was enroute to Chicago. They asked him about his employment and he advised that he does handy man work and also gets assistance from the mother of his child.

11. Smith told the Detectives that he loves cocaine and had a serious problem. The Detectives stated that the amount of narcotics found in his vehicle was too much to use all by himself. They also questioned how he could buy that amount of drugs if he did not have steady employment. Smith told them that they were just speculating how much he spent on the narcotics because he had received them at a bargain on trade.

12. D/Trp. Olszewski told Smith he was looking at some serious charges because of the firearms located in his vehicle in conjunction with the narcotics. Smith told him that it was not illegal for him to purchase a firearm "under the table" and that it was open carry to have them in the vehicle. D/Trp Olszewski also told Smith the shotgun might be illegal if the barrel is too short according to federal law. Smith said he did not believe the gun had a barrel that was short.

13. Smith was also asked about the methamphetamine and Smith reiterated that he had a serious problem with drugs and liked to party like

a “rockstar.” He also stated that cocaine comes with “good company” further describing a scene at a club stating that if he puts a line down of cocaine all the women would be coming home with him.

14. Flood, the passenger in the vehicle, was also interviewed the same day by D/Troopers Escott and Olszewski. After being read his Miranda rights, Flood agreed to speak with them. Flood said that he was on a road trip with Smith to possibly Indiana, but he was not sure. He said he had brought \$300 dollars with him and no other belongings. He did not know anything more about the trip and that the first time he saw the drugs or firearms was when the Troopers took them out of the vehicle during the traffic stop.

15. D/Trp Escott used Trunarc Analyzer to test the suspected narcotics seized from the vehicle. The white powder substance tested positive for Cocaine HCL, the crystalline substance tested positive for methamphetamine and another bag tested positive for mannitol, a substance used as a cutting agent for multiple controlled substances.

16. The suspected narcotics were sent to the Michigan State Police crime laboratory for testing. The lab determined that two of the items submitted contained 7.47 grams of Heroin with Fentanyl and 12.20 grams

of Fentanyl, which included the weight of the plastic knotted bags holding the substances. Another item submitted to the lab, which was seized from the vehicle, contained 377.72 grams of ANPP (4-Anilino-N-phenethylpiperidine) which is a schedule II controlled substance and is an immediate precursor chemical for fentanyl. A white substance in an additional plastic bag contained 19.78 grams of Cocaine HCl according to MSP lab results.

17. The shotgun located in the vehicle was Zijiang Machinery Co, model Canamount Fury, 12 gauge shotgun with serial number CAT-001913. This firearm looked to have been altered from its original manufactured state, so I sent it to the ATF Firearms Technology Criminal Branch for a technical exam. On October 9, 2019, I received the results that the firearm did have its original stock replaced with a pistol grip, but it was still a legal shotgun to own because the overall length was still within the legal limit and the 12 round magazine was also legal to possess.

18. On October 8, I listened to a recorded phone call from Brandon Smith, currently lodged at the Jackson County jail, to an unknown female (possibly sister) made on September 20, 2019. During one point in this phone call, he talks to the female about picking his truck up from MSP. He

asks her to get the truck (Yukon) and the cash from the MSP Post. She then asks if she needs to get anything else, but that she is not going to get that other “shit.” Smith then says you mean the “dope and guns?” She laughs and says yes, she cannot pick up that. He then tells her that if they ask too many questions about the money, to just leave that behind. Smith says the truck is his own personal property and he really wanted that back the most.

19. In another recorded call that I listened to from Brandon Smith to an unknown female on September 29, 2019, Smith tells the woman that he is going to say he is an addict, since the state messed up on their paperwork and charged him with possessing under 50 grams and accept responsibility for the guns. Both of these calls illustrate that Smith had knowledge of the drugs and guns located in his vehicle.

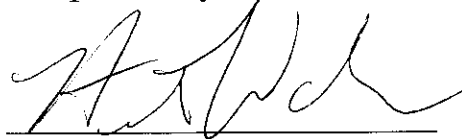
20. Based on my training and experience, subjects who distribute narcotics often carry firearms for their protection to avoid being robbed of their product. They also carry firearms to intimidate customers who may not want to pay for the drugs they receive. The shotgun was found in the same proximity as the bag containing the money, scale and the narcotics

in the rear of the vehicle. The stolen handgun was found closer to where the driver and the cocaine was located inside the vehicle.

III. CONCLUSION

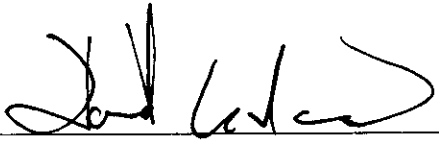
21. Based on the above investigation, probable cause exists that Brandon Smith engaged in violations of 21 U.S.C. § 841(a)(1) (possession with intent to distribute controlled substances) and 18 U.S.C. § 924(c) (possession of a firearm in furtherance of a drug trafficking crime).

Respectfully submitted,



Heidi Wallace, Special Agent
Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Subscribed and sworn to before me.



Hon. David R. Grand
United States Magistrate Judge

Date: 10/18/19